#576

BILL NO. Z-95-02-06

ZONING MAP ORDINANCE NO. Z-Lost

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-7.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

The South 27 feet of Lot Numbered 2, together with Lot Numbered 3 and Lot Numbered 4 in Carl B. Seibt Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. N-7, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Clinton R Edmonds
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Barrie, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council ~~Council~~ Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____M.,E.S.T.

DATED: 2-14-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES		6		3
BRADBURY				✓
EDMONDS				✓
GiaQUINTA		✓		
HENRY		✓		
LONG		✓		
LUNSEY				✓
RAVINE		✓		
SCHMIDT		✓		
TALARICO		✓		

DATED: 3-14-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO._____

on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____,M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____M., E.S.T.

PAUL HELMKE, MAYOR

BILL NO. Z-95-02-06

REPORT OF THE COMMITTEE ON
REGULATIONS
CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. N-7

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~)

DO PASS	DO NOT PASS	ABSTAIN	NO REC

DATED: 3-14-95.

Sandra E. Kennedy
City Clerk

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 12/29

RECEIVED FROM Pet

THE SUM OF

ON ACCOUNT OF

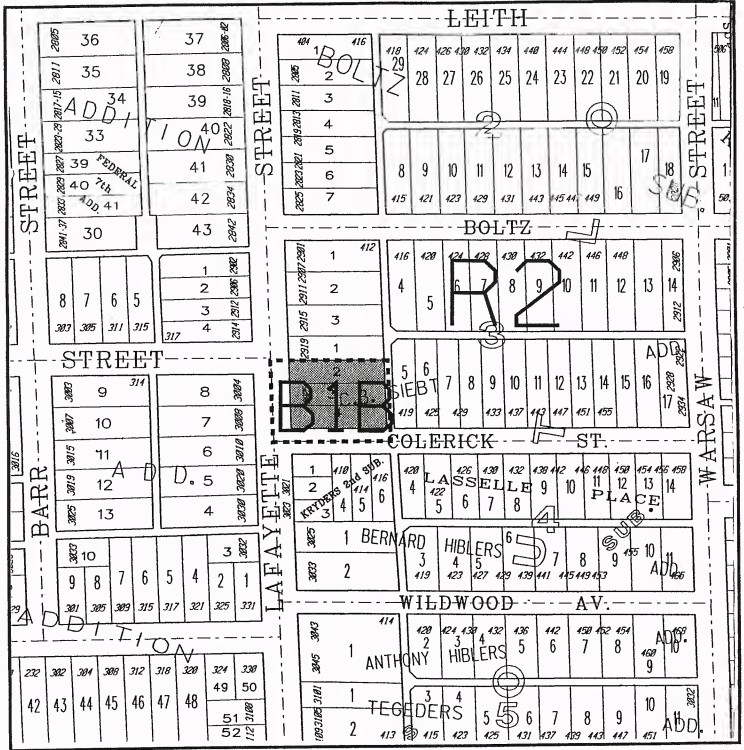
Rezoning

PAID BY: CASH ☐ CHECK ☐ M.O. ☐

REZONING PETITION

AREA MAP

CASE NO. #576



COUNCILMANIC DISTRICT NO. 1

Map No. N - 7
LW 1-22-95

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

I/We Pete Wathley do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an B-3 designation to a/an B3B designation, the property located at the common street address of: 2925 LAFAYETTE and further described as follows:

See Attached

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:

Used Car Sales & Auto-clean up shop

Property owners Name(s): Norma Woods

Street Address: 4126 Bowser / 4303 Standish Dr

City: Ft Wayne State: IN Zip: 46806 Phone: (219) 744-9528 PETE WATHLEY

Applicants Name (if different from above): Pete Wathley

Street Address: 4126 Bowser

City: Ft. Wayne State: IN Zip: 46806 Phone: (219) 744-9528

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Signature	Printed Name	Date
	Pete Wathley	12-29-94
Norma Jean Woods	Norma Jean Woods	JAN 9, 1995
Carolyn D. Mitchell	Carolyn D. Mitchell	JAN 31, 1995

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent.

Roger Haltquist
503 West Wayne
Ft Wayne, IN 46802

260-422-4655
Telephone Number

Form Rez494

Receipt #:	Date Filed:
Map #:	Reference #:

CERTIFICATE OF SURVEY

OFFICE OF:

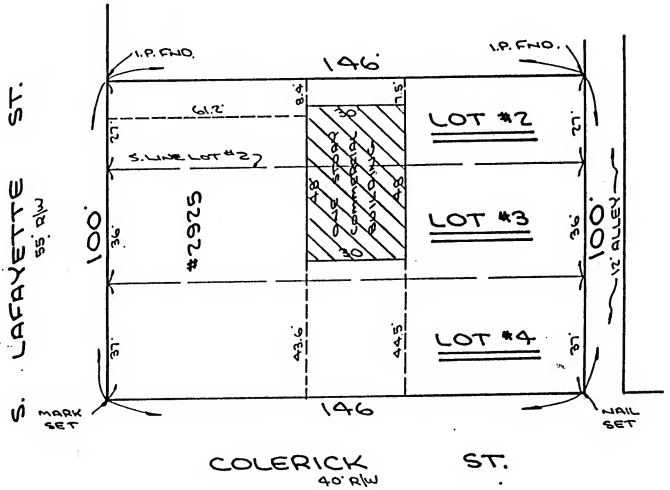
DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby ceritfies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: The South 27 feet of Lot Numbered 2, together with Lot Numbered 3 and Lot Numbered 4 in Carl b. Seibt Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.



NOTE: According to the Flood Insurance Rate Map (FIRM) number 180003 0010B, dated April 3, 1985, the herein described real estate is located in Zone "C", and is not in a flood hazard area.

S. R. ON FILE

JOHN R. DONOVAN REGISTERED No. 9921 STATE OF INDIANA LAND SURVEYOR

JOB FOR: McINTOSH-HARDY

1"=30'
8-1-89

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on February 14, 1995 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-95-02-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on February 20, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 27, 1995.

Certified and signed this
2nd day of March 1995.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

FACT SHEET

Z-95-02-06
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment From B-1-B to B-3-B		

DETAILS

Specific Location and/or Address

2925 So Lafayette St

Reason for Project

Used car sales and an auto clean up shop.

Discussion (Including relationship to other Council actions)

20 February 1995 - Public Hearing

(See Attached Minutes of Meeting)

27 February 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith

Members Absent: James Hoch, Donald Schmidt, Vicky VerPlanck

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Pete Wattley, 4126 Bowser Av **City Department** **Other**
Opponents	**Groups or Individuals** Leon Johnson, 432 Colerick Oscar Draughn, Wm Pk Assoc **Basis of Opposition** - this zoning classification would be a detriment to the residential integrity of the neighborhood
Staff Recommendation	☐ For ☒ Against **Reason Against** -approval is not consistent with the neighborhood plan nor the Comp Plan for this area.
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 29 December 1994

Projected Completion or Occupancy — Date 2 March 1995

Fact Sheet Prepared by — Date 2 March 1995
Patricia Biancaniello

Reviewed by — Date 6 March 1995

Reference or Case Number

a. Bill No. Z-95-02-06 - Change of Zone #576
From B1B to B3B
2925 Lafayette Street

Pete Wattley, petitioner, appeared before the Commission. Mr. Wattley stated that he had sent a letter to Pat Fahey, Senior Planner for Land Use Management requesting that he waive the zoning requirement so that he could operate a used car sales lot on the property along with a car wash. He stated in his letter that in his opinion he saw permitted usage that is similar in ways concerning strictly automobile needs. His argument is that a service station is permitted to sell gasoline and do mechanical work, which he feels is a heavier use than what he is asking to do. He stated that he is trying to establish an automobile sales lot and detailing of automobiles on this property. He stated that the license that he holds from the state of Indiana which allows him to sell used cars also allows him to operate another business that is automobile related. He felt if the state of Indiana allows his license to cover both of his uses that the city would also see the sense of this use. Mr. Wattley then quoted from Mr. Fahey's letter in response to his. In the letter Mr. Fahey stated that the B-1-B does allow for a car wash, but does not allow for used car sales or automobile repair/body shop. He stated that he does not repair automobiles or operate a body shop. He stated in the second paragraph of his letter however, that in his opinion, (Mr. Fahey's) it was his determination that the primary use of the property would be for the sale of used automobiles, which is not a permitted us in the B1B district. Mr. Wattley stated that his primary business is washing cars. He stated that his business was formed in 1992 at 4132 S Clinton Street. He stated that in 1993 they decided to expand the business by adding used car sales, however they had to relocate to have enough space to do both. He stated that Mr. Fahey also stated that it would be necessary to have either 60 parking spaces for a car wash or request a variance from the Board of Zoning Appeals to eliminate that number of spaces. Mr. Wattley stated that Mr. Fahey stated that there are areas of B3 and M1 zoning in the immediate area which would accommodate the proposed use. He brought pictures to show the Commission of the property along Lafayette Street. He pointed out that even though they may be zoned correctly the property in the area are to small for his business. He then showed pictures of the property in question. He stated that it is suitable to his needs. The garage on the property has two overhead doors, it used to be a gas station, and it is laid out in a way that is more suitable for their needs. He stated that they are trying to take this property from a vacant building and upgrade it so that it will be an asset to the area. Mr. Wattley stated that this property is an eyesore and he is trying to upgrade the building and encourage development in the area.

Mr. Wattley then referred to the staff analysis. He stated that in the first paragraph it states that the property appears to have been a gas station. Mr. Wattley stated that it was used as a gas station. He stated that in the second paragraph it tells of the

types of businesses that are allowed in this zoning classification. He stated that the staff analysis states that the businesses allowed in this district, except for a filling station, would be that customers and activities normally take place inside a building and deal with new items as opposed to used items or repair. Mr. Wattley stated that the do not do any repair. He stated that they sell cars and clean them. Mr. Wattley stated that in the third paragraph of the staff analysis it speaks to the potential for this use to elevate noise levels, odors, and congestion that may not be directly compatible with surrounding areas of less intense residential use. He stated that he did not see how his use would do any of these things. He felt he use was less noisy and would not have the level of noise, odors or congestion as a gas station would. He stated that he felt that the reuse of this property as a viable business would be an asset to the area. He stated that this property and structure was designed to be used for some type of automobile business.

Leon Johnson, 432 Colerick St, appeared before the Commission in opposition to the rezoning and proposed use. Mr. Johnson stated that he had collected a petition signed by people who live in that area in opposition to these request. He stated that they have people who have lived in this area for many years and they have had other people petition for businesses in the area. He stated that the people in the area do sleep at night. He felt that Mr. Wattley was not telling the truth when he said there will not be any problems. He stated that with a car dealership it would bring load noises, congregation of young people, and possibly drugs. He stated that he was there as a grandfather and a parent to state that he definitely did not want the business located there. He stated that he felt if Mr. Wattley was given this zoning request it would cause the neighborhood to go completely to "pot" quickly. He stated that they have worked with Councilman Lunsey, and the neighborhood association to improve their properties, which they have done. He stated that they do not need any more rats, junk cars or loud boom boxes. He stated that they have small children in the area. He stated that they children play on the sidewalks and in the streets, and with this type of business they would have speeding cars using the streets.

Oscar Draughn, President of the Williams Park Association, appeared before the Commission. Mr. Draughn stated that they would like to maintain the neighborhood as it currently exists. He states that they work to keep the area the way it exists. He stated that they are not against Mr. Wattley improving his lifestyle, but they do not want something brought into the neighborhood that they do not want. He stated that he was speaking in behalf of the association as well as his neighbors who will directly affected.

Mary Morris, President of the Oxford Neighborhood Association appeared before the Commission. Ms. Morris stated that Mr. Wattley has been very cooperative in providing information regarding his request to the association. Ms. Morris stated that they are not opposed to business in the neighborhood. She stated that the thing

that they are opposed to is the actual zoning change. She stated that they are concerned to what would happen if Mr. Wattley sold the property. The zoning would still remain B3B and would allow for uses that could be highly detrimental to the neighborhood.

John Lehner, with the Fort Wayne Neighborhood Housing Partnership appeared before the Commission. Mr. Lehner stated that they have invested about 7 million dollars in residential redevelopment in the Oxford Neighborhood and surrounding neighborhoods. He stated that their concern is very similar to that of the Oxford Neighborhood in that increases the capacity of the property will substantially interfere with their ability to continue to market property. He stated that certain advances have been made along the Lafayette Corridor. He stated that specifically with Project Renew and the kinds of housing developments they have done along Lafayette creating those landscape buffers. He stated that they have acquired lots that are on Wildwood and started building lots on Wildwood and they have options on 155 county owned properties that are scattered throughout the neighborhood. He stated that to increase the zoning to allow for uses that may make it more difficult in terms of redeveloping residences in the Oxford and adjacent areas.

Frank Chandler, 3030 Lafayette Street, appeared before the Commission. Mr. Chandler stated that he lives across from this area and would hate to think that he would be subjected to looking out his windows and see used and/or junk cars across from him. He questioned how they were going to take in used cars and not do some repair on them.

In rebuttal Mr. Wattley stated that they would not generate any noticeable traffic in area. He stated that their hours would be 9 am to 6 pm. He stated that in the evening all of the cars would be put inside the bull pen. He stated that this property has a bull pen in the rear that would accommodate a dozen to a dozen and a half cars. He stated that they will not be repairing cars on the premises.

Mel Smith questioned if Mr. Wattley had considered requesting a variance for this property.

Mr. Wattley stated that his first choice would be to have the property rezoned.

Mel Smith stated that this is spot zoning. He stated that spot zoning by the Commission is rare.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

ORIGINAL

ORIGINAL

#576

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 2925 Lafayette St

2-95-02-06

EFFECT OF PASSAGE Property is currently zoned B-1-B - Limited Business District. Property would be zoned B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain zoned B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)